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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,925	08/31/2001	Olga Valerievna Koshkina	STL3054	2253
7590	01/24/2006		EXAMINER	
Fellers, Snider, Blankenship, Bailey & Tippens, P.C. Bank One Tower 100 North Broadway, Suite 1700 Oklahoma City, OK 73102-8820			KAPADIA, VARSHA A	
			ART UNIT	PAPER NUMBER
			2651	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/944,925	KOSHKINA ET AL.	
	Examiner	Art Unit	
	Varsha A. Kapadia	2651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 November 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4,5,8-13,17 and 25-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,4,5,8-13,17 and 25-42 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

This office action is responsive to the amendment filed on November 11, 2005.

Rejection Under 35 U.S.C. 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-2, 4, 8-13, 17, 25-36 and 38-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation "...locations surrounding the defective region" as now recited in the claims 1, 25 and 32 is not supported by the specification as originally filed.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 4, 8-13, 17, 25-36 and 38-42 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language now recited in the claims i.e. "...combining a plurality of data readback signals received from different locations surrounding the defective region" is vague and indefinite because signals received from the surrounding locations are defective or not is not clarified.

Rejection Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 8-13, 17, 25-36 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (6,384,995) in view of Abraham et al (5,527,110).

With regards to claim 1, Smith discloses a method comprising detecting a defective region of the surface by combining plurality of readback signals received from different locations surrounding the defective region (see fig. 8 elements 804-807 disclosure thereof and abstract).

Smith fails to disclose the capability of imaging a characteristic size of the defective region as defined in the claimed language.

Abraham et al., however discloses such for the purpose of analyzing the surface of a data storage medium, see for example figs. 4A and 4B, col.5 lines 14-34 and col.6 lines 14-31.

It would have been obvious to one of ordinary skilled in the art at the time this invention was made to modify the disclosure of Smith with the above teachings from Abraham et al in order to provide a data storage apparatus having capability of imaging a characteristic size of the defective region to analyze and map the locations of the small variations on a surface of the storage medium.

With regards to claim 2, Smith discloses step of categorizing the defective region by comparing the size of the defective region to a plurality of category profile (see col.3 lines 11-34).

With regards to claims 4 and 10, Smith defines that the category has an identifier indicating the defects in the magnetic recording layer (scratch/corrosion) see col.8 lines 22-25.

With regards to claims 8-9, see Abraham et al on col.5 14-34, wherein display of the three dimensional data includes X and Y coordinate associated with a corresponding Z coordinate relating to a strength of the readback signal. Abraham et al is relied upon for the same reasons discussed above in this office action.

With regards to claims 11 and 12, Smith discloses step of modifying a list of bad sectors and retaining the modified list in the data storage apparatus (see col.10 lines 51 to 59 and fig.3 element 302 and disclosure thereof).

With regards to claim 13, Smith further discloses steps of assigning a value to each of the defective region and reworking the data storage medium if an aggregation of the assigned values exceeds a predetermined threshold (see abstract and col.10 lines 51-59).

With regards to claim 17, see Smith in fig.1 elements 104, 109 and col.4 lines 22-28.

Claims 25-36 and 38-42 are drawn to the apparatus of using the corresponding method recited in claims 1-2, 4, 8-13, 15, 17, respectively. Therefore apparatus claims 25-36 and 38-42 correspond to method claims 1-2, 4, 8-13, 15, 17 and are rejected for the same reasons of obviousness as used above.

Claims 31 and 35 further specify the respective dimension of the scratch, i.e. "... a length is greater than a width by a factor of about 2.5". However, defining such dimension is considered

as routine engineering capability and no unexpected results are to occur. Claims 31 and 35 are rejected for the same reasons of obviousness as used above.

Claims 5 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Abraham et al as applied to claims 1-2, 4, 8-13, 15, 17, 25-36 and 38-42 above, and further in view of Bang (6,151,180).

With regards to claims 5 and 37, Smith in view of Abraham et al discloses the invention as discussed above in this office action, but fails to further specify that the defective region is unreliable if a ratio defined by a size of a portion of the defective region with a less than expected readback signal strength...

However, such is disclosed by Bang (see col.3 lines 33-67).

It would have been obvious to one of ordinary skill in the art at the time this invention was made to modify Smith in view of Abraham et al with the above teaching from Bang in order to provide a storage apparatus having a capability of accurately determining which specific portion of the surface is unreliable and hence to increase the reliability of the storage medium.

Prior Art Cited

Reference to Shimote et al (5,212,677) cited as of interest.

Response to Remarks

Applicant's arguments filed on 11/11/05 have been considered but are not persuasive because in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. "Thus, Smith fails to combine readback signals obtained during respective passes of the head and instead uses samples during a single pass.") are not recited in the rejected claim(s). Although the claims are

interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Varsha A. Kapadia whose telephone number is (571) 272-7557. The examiner can normally be reached on Mon Tue and Thurs. from 6:30 AM to 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571 272 7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VK


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